

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES -October 2, 2018**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Fulloon, Klimko, Noone, Norris, Valle, Higgins.

Also, Present: Matthew Hall, Manager  
Laurie A. Barton Borough Clerk  
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

**COUNCIL APPEARANCE**

Ralph Fiore, Township Committeeman and representative of the Green Stone Thrift Shoppe at the Methodist Church, presented two donations of \$500.00 each to the Washington Township Police Department and the Washington Borough Emergency Squad.

**MINUTES**

Motion made by Noone and seconded by Valle to approve the meeting minutes of regular meetings; September 4, 2018.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0  
Motion Carried.

**COUNCIL APPEARANCE**

John Monteverde, Executive Director, BID, gave a summary of report of the Fall Festival. Mr., Monteverde thanked all those who assisted and volunteered for the sold-out festival with special recognition to the Boy Scouts who painted the barricades.

Motion made by Norris and seconded by Klimko to close the audience portion.

Ayes: 6 Nays: 0  
Motion Carried.

### **REPORTS:**

Motion was made by Valle seconded by Norris to receive and file the following reports:

1. Police Activity Report (2)
2. Manager's Hiring Report

Ayes: 6 Nays: 0  
Motion Carried.

### **NEW BUSINESS**

Manager Hall discussed the rules regulating election signs.

Manager Hall gave updates on issues concerning a residential sewer back up and the two bulk pick-ups that were done this year.

### **ORDINANCES**

Motion made by Klimko and seconded by Norris to open the public hearing for Ordinance 2018-18.

Ayes: 6 Nays: 0  
Motion Carried.

John Monteverde, BID, urged council to think about this ordinance and its impact on the district if its not passed. Mr. Monteverde expressed his concerns if Taco Bell pulls out then three empty lots will remain with nothing in place.

Attorney Cohen (Ray Rice Attorney), Mr. Cohen stated he is here on behalf of Ray Rice and Jade Development. Mr. Cohen stated that Borough should pass the ordinance in order to make the other businesses who are currently not legal, to be legal upon passage of said ordinance for their use. By not adopting this ordinance it creates a group of businesses having illegal uses.

Discussions of site plan approval conditions and the appearance of buildings ensued.

Ray Rice, clarified the design aspect of the Taco bell. Mr. Rice added that if this doesn't pass, he will have to go back to the bank because Taco bell is financing this development.

Lengthy discussion of the Land Use Board powers and businesses being in compliance ensued.

Hearing no further public input, motion made by Klimko and seconded by Noone to close the public portion. All were in favor.

Motion made by Noone and seconded by Klimko to adopt Ordinance 2018-18.

Ayes: 3, Nays: 3  
Motion failed.

## **RESOLUTIONS**

Motion made by Noone and seconded by Valle to approve Resolution 2018-124 and 2018-125.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried.

### **RESOLUTION 2018-124 A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to US Bank Cust for BV001 Trust, 50 South 16<sup>th</sup> St. Suite 2050, Philadelphia, PA 19102-2513, in the amount of \$989.86 for taxes or other municipal liens assessed for the year 2016 in the name of Diamond, Gary J & Courtney as supposed owners, and in said assessment and sale were described as 317 Belvidere Ave., Block 6 Lot 62, which sale was evidenced by Certificate #17-00002; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-19-18 and before the right to redeem was cut off, as provided by law, Bayview Loan Servicing claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for BV001 Trust, by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,755.41 which is the amount necessary to redeem Tax Sale Certificate #17-00002.

**NOW THEREFORE BE IT RESOLVED**, on this 2nd day of October, 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for BV001 Trust, 50 South 16<sup>th</sup> St. Suite 2050, Philadelphia, PA 19102-2513, in the amount of **\$4,855.41** (This amount consists of \$2,755.41 Certificate Amount redeemed + \$2,100.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 6 Lot 62 from the tax office records.

### **RESOLUTION 2018-125 A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL &

Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$ 649.75 or taxes or other municipal liens assessed for the year 2015 in the name of Bayview Loan Servicing LLC as supposed owner, and in said assessment and sale were described as 255 West Warren Street, Block 3 Lot 8, which sale was evidenced by certificate #16-00006 and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-19-18 and before the right to redeem was cut off, as provided by law, Bayview Loan Servicing claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,439.91 which is the amount necessary to redeem Tax Sale Certificate #16-00006.

**NOW THEREFORE BE IT RESOLVED**, on this 2nd day of October 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$4,139.91** (This consists of \$2,439.91 Certificate Amount redeemed + \$1,700.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 3 Lot 8 from the tax office records.

Motion made by Noone and seconded by Norris to approve Resolution 2018-126.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-126**  
**A RESOLUTION TO ADJUST SEWER BILLINGS IN**  
**ACCORDANCE WITH CHAPTER 70, SECTION 28B OF**  
**THE CODE OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain facts have come to the attention of the Borough to justify modification of sewer service charges which have been reviewed by the Borough Manager; and

**WHEREAS**, notice has been provided to the owner(s) of the property or properties listed below of the action proposed to be taken with the date, time and place where the Mayor and Council will meet to consider change(s) in the E.D.U.'s assigned to the property or properties listed below; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the decisions made herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following changes in the

sewer service charge(s) are approved:

<b>NAME/ADDRESS</b>	<b>REASON/ADJUSTMENT</b>
US EPA Superfund Site Park & Pohatcong Avenues Washington, NJ 07882	Change in Use (212) to (1) E.D.U. Effective: October 2018

**BE IT FURTHER RESOLVED** that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Motion made by Klimko and seconded by Valle to approve Resolution 2018-127.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-127**  
**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**  
**OF THE BOROUGH OF WASHINGTON**

**WHEREAS**, the Borough of Washington is the owner of certain surplus property which it no longer needs for public use: and

**WHEREAS**, the Borough of Washington is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

**NOW THEREFORE BE IT RESOLVED** by the Borough of Washington as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at <http://www.govdeals.com> and also available from the Borough of Washington.
- (2) The sale will be conducted online October 26<sup>th</sup>, 2018 to November 2<sup>nd</sup>, 2018 and the address of the auction site is [www.govdeals.com](http://www.govdeals.com)
- (3) The sale is being conducted pursuant to Resolution 2018-127
- (4) A list of the surplus property to be sold is as follows:

2000 Ford Crown Victoria Police Interceptor  
VIN #12FAFP71W93X213851

- (5) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Washington reserves the right to accept or reject any bid submitted.

Motion made by Klimko and seconded by Valle to approve Resolution 2018-128.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-128**  
**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM**  
**RICHARD J. STRUNK ESCROW ACCOUNT HELD IN TRUST**  
**BY THE BOROUGH OF WASHINGTON**

**WHEREAS**, Michael Taeschler, Executor for the Estate of Richard J. Strunk has requested the return of the funds remaining in their escrow account #7763829959 and

**WHEREAS**, Patricia Titus, Planning Board Secretary, has advised that the Planning Board waived any interest in the subdivision approval as the property in question lies within Washington Township with only a small portion physically located within the Borough of Washington.

**FURTHER**, the property to be subdivided is solely assessed by Washington Township for tax purposes.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to the Estate of Richard J. Strunk the amount of \$250.00, plus interest if applicable, to close escrow account #7763829959.

Motion made by Klimko and seconded by Noone to approve Resolution 2018-129.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried.

**RESOLUTION 2018-129**  
**A RESOLUTION AUTHORIZING CANCELLATION OF GENERAL CAPITAL**  
**ORDINANCES BALANCES**

**WHEREAS**, there are open balances in old capital ordinance; and

**WHEREAS**, the projects authorized in those ordinances are completed; and

**WHEREAS**, it is a good practice to cancel old outstanding ordinances; and

**WHEREAS**, cancelled funded amounts will be deposited in the General Capital Fund Balance; and

**WHEREAS**, this ordinance has an anticipated Accounts receivable that exceeds amount actually reimbursed

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The governing body hereby authorizes cancellation of the outstanding balances in the capital ordinances listed below: Ordinance # 17-14 in the amount of \$62,921.55
2. The Governing Body authorizes cancellation of the balance of the grant accounts receivable in the amount of \$29,917.39

Motion made by Klimko and seconded by Valle to approve Resolution 2018-130.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried

**RESOLUTION 2018-130**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$352.90 for taxes or other municipal liens assessed for the year 2016 in the name of Alvarado, John & Elizabeth supposed owners, and in said assessment and sale were described as 227 West Washington Ave., Block 101 Lot 16, which sale was evidenced by Certificate #17-00038; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 9-25-18 and before the right to redeem was cut off, as provided by law, EastWest Bank on behalf of Lereta Tax Service, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,283.61 which is the amount necessary to redeem Tax Sale Certificate #17-00038.

**NOW THEREFORE BE IT RESOLVED**, on this 2<sup>nd</sup> day of October 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$1,283.61** (This amount consists of \$1,283.61 Certificate Amount).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 101 Lot 16 from the tax office records.

Motion made by Norris and seconded by Klimko to approve Resolution 2018-131.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried

### **RESOLUTION 2018-131**

#### **RESOLUTION OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND UPDATING THE PERSONNEL POLICIES AND PROCEDURES MANUAL TO INCORPORATE A NEW SICK LEAVE POLICY, EFFECTIVE OCTOBER 29, 2018**

**WHEREAS**, the State of New Jersey has recently passed legislation, effective October 29, 2018, which provides for mandatory sick leave for full and part-time employees in the State of New Jersey, as set forth in N.J.S.A. 34:11D-1; and

**WHEREAS**, the Borough of Washington is desirous to update its Personnel Policies and Procedures Manual to conform with the laws of the State of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, that the Borough of Washington's Policies and Procedures Manual, is hereby amended in the form attached hereto, in order to incorporate N.J.S.A. 34:11D-1; and

**BE IT FURTHER RESOLVED** that the amended sick leave policy will be effective as of October 29, 2018; and

**BE IT FURTHER RESOLVED** that a copy of the updated Personnel Policies and Procedures Manual is on file with the Clerk's office; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded to all Borough employees.

#### **VOUCHERS AND CLAIMS**

Motion made by Valle seconded by Noone to pay the vouchers and claims in the amount of \$550,474.25 from the current fund and \$ 6,087.96 from sewer.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Thompson, Valle, Higgins  
Ayes: 6, Nays: 0  
Motion carried

## **RECAP**

M. Hall recapped the following:

- Look into uniform costs
- Call DOT for them to get rid of their signs

## **COUNCIL REMARKS**

Councilman Fulloon stated he had a great time at the festival.

Councilman Norris stated that the festival was a big success. Councilman Norris inquired about getting the siren on the fire department replaced.

Councilwoman Noone thanked the volunteers and everyone who attended the festival.

Councilwoman Valle reiterated the same sentiments as the festival being a great success and added that there was a lot more people there this year. Councilwoman Valle stated she was glad to see crossing guards in place at the end assisting with public until 11:00 P.M.

Councilwoman Klimko stated that the garbage bulk clean-up was wonderful and didn't see many complaints this time around. Councilwoman Klimko also thanked all those who assisted with the festival and added this was the best one she has ever attended.

Mayor Higgins attended the re-organization of the newly formed Land Use Board. Two people were added, Charlie Post and Chris Vitale. Mayor Higgins thanked the Washington Methodist Church for their donations. Mayor Higgins also thanked the volunteers with the festival.

Mayor Higgins reported on the work done by the DPW for land near Rail Road Avenue that is owned by the Borough. This was the first time in 18 years work has been done to that land and Mayor Higgins stated he would like to see that property turned into a park.

## **EXECUTIVE SESSION**

A motion was made by Noone seconded by Klimko to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:27 with a five-minute break.

Ayes: 6 Nays: 0  
Motion Carried.

## **RESOLUTION** **AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the

public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: \_\_\_\_\_);

A matter where the release of information would impair a right to receive funds from the federal government;

A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any

specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Klimko seconded by Noone to come out of Executive Session at 9:08 pm.

Ayes: 6; Nays: 0  
Motion Carried.

### **ADJOURNMENT**

Hearing no further business, a motion was made by Noone seconded by Valle to adjourn the meeting at 9:09 pm.

Ayes: 6; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk